

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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GREGORY D. BOLIN,

Petitioner,

v.

RENEE BAKER, *et al.*,

Respondents.

Case No. 3:07-cv-00481-MMD-VPC

ORDER

On November 27, 2012, petitioner Bolin filed a notice of abandonment of unexhausted claims, a third amended petition for writ of habeas corpus, and a motion to amend Claim 6 and Claim 10. (Dkt. nos. 131-133.) The respondents objected to the filing of the third amended petition, arguing that it failed to comply with the Court's requirement that it contain only exhausted claims. (Dkt. no. 134.) In response, Bolin filed a motion for leave to file a fourth amended petition and to revise his motion to amend Claim 6 and Claim 10 and his notice of abandonment. (Dkt. no. 135.) With that motion, he also filed each of the documents he seeks to revise. (Dkt. no. 136-138.)

On January 2, 2013, respondents filed a notice expressing their non-opposition to Bolin's motions for leave to file a fourth amended petition and revise other pleadings and to his revised motion to amend Claim 6 and Claim 10. (Dkt. no. 141.) Good cause appearing, the Court shall grant these motions and establish a schedule for further proceedings in this case.

IT IS THEREFORE ORDERED that petitioner's motion for leave to file a fourth amended petition (dkt. no. 135) and his revised motion to amend Claim 6 and Claim 10 (dkt. no. 137) are GRANTED.

1 IT IS FURTHER ORDERED that further proceedings are scheduled as follows:


2 1. **Answer.** Respondents shall have **sixty (60) days** from the date this order  
3 is entered within which to file an answer to the fourth amended petition for writ of  
4 habeas corpus (dkt. no. 138).

5 2. **Reply and Response to Reply.** Petitioner shall have **forty-five (45) days**  
6 following service of an answer by respondents to file and serve a reply. Respondents  
7 shall thereafter have **thirty (30) days** following service of a reply to file and serve a  
8 response to the reply.

9 3. **Evidentiary Hearing.** If petitioner wishes to request an evidentiary  
10 hearing, petitioner shall file and serve a motion for an evidentiary hearing concurrently  
11 with, but separate from, his reply to respondents' answer. The motion for an evidentiary  
12 hearing must specifically address why an evidentiary hearing is required, and must  
13 meet the applicable requirements of 28 U.S.C. § 2254(e). The motion must identify  
14 whether an evidentiary hearing was held in state court, and, if so, state where the  
15 transcript is located in the record. If petitioner files a motion for an evidentiary hearing,  
16 respondents shall file and serve a response to that motion concurrently with, but  
17 separate from, their response to petitioner's reply. Petitioner shall thereafter have  
18 **twenty (20) days**, following service of respondents' response to the motion for an  
19 evidentiary hearing, to file and serve a reply in support of that motion.

20 **IT IS FURTHER ORDERED** that petitioner's motion to amend Claim 6 and Claim  
21 10 (dkt. no. 132) is DENIED as moot.

22 DATED THIS 9<sup>th</sup> day of January 2013.

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25 MIRANDA M. DU  
26 UNITED STATES DISTRICT JUDGE  
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